

ELECTION WITH TRAVERSE

In response to the restriction requirement imposed by the Examiner, Applicants elect, with traverse, to prosecute claims 8-22, *i.e.*, the Group III claims. Applicant's election is not an acquiescence in the propriety of the restriction.

REMARKS

~~The Restriction Requirement fails to address claims 46-60 regarding the restriction~~ requirement. Thus, the Requirement is improper and should be withdrawn, as each claim should be accounted for. *See* MPEP §814.

If the Office persists in holding the Restriction Requirement proper, Applicant asserts that claims 46-60 are claims to "means" for practicing the process claims set forth in the Group III claims (*i.e.*, claims 8-22). MPEP § 806.05(e) sets forth requirements for restricting a process and an apparatus for its practice. According to MPEP § 806.05(e), a "means" claim is a linking claim and must be examined with the elected invention. Claims 46-60 satisfy the criteria set forth in MPEP 806.05(e) as linking claims, and are therefore entitled to examination with the elected Group III claims. Thus, Applicant hereby asserts that claims 46-60 should be included in the elected Group III claims.

CONCLUSION

Applicants elect the Group III claims, with traverse, in accordance with the applicable Rules of Practice and to advance the prosecution. However, the Restriction Requirement is improper, as all presently pending claims are not accounted for in the Requirement. Because Applicant has elected an alleged invention as set forth by the Examiner, this response is

complete. The Examiner is invited to contact Daren C. Davis at (817) 578-8616 with any questions, comments or suggestions relating to the referenced patent application.



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PATENT TRADEMARK OFFICE

Respectfully submitted,

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